

**Notice of Allowability**

Application No.

10/796,198

Examiner

Tara L. Mayo

Applicant(s)

BURWELL ET AL.

Art Unit

3671

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11 13 06.
2. ☒ The allowed claim(s) is/are 1,4,5,7-11,14-24,26-28,31 and 34.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

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|--|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 5. <input type="checkbox"/> Notice of Informal Patent Application  |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date <u>020107</u> . |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO/SB/08),<br>Paper No./Mail Date _____    | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment  |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8. <input type="checkbox"/> Examiner's Statement of Reasons for Allowance                                  |
|  | 9. <input type="checkbox"/> Other _____.   |

### EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Steven B. Kelber on 01 February 2007.

The application has been amended as follows:

1. In the Specification on page 9 at line 4, "Parabeam, Flo-core, Techno-Tex and Syncoloop" will be changed to --PARABEAM, FLO-CORE, TECHNO-TEX and SYNCOLOOP--.

2. Claim 1 has been amended to read as follows:

- 1. An underground storage system comprising:

an underground storage tank;

a double walled riser sump having a vertical wall terminating in a top, the vertical wall including an inner wall and a spaced apart outer wall, the outer wall and the inner wall defining an annular space; and

a monitoring liquid reservoir containing a liquid and being in fluid communication with the annular via a liquid supply tube and a liquid vent tube; wherein the monitoring liquid reservoir is a separate container from the vertical wall of the riser sump;

wherein the vertical wall is formed from a riser and a collar, the collar being attached to the underground storage tank and the riser being attached to the collar, the riser being formed from an inner riser wall and an outer riser wall that together define a riser annular space, the collar being formed from an inner collar wall and an outer collar wall that together define a collar annular space, the riser annular space and the collar annular space being in fluid communication with each other; and

wherein the reservoir is positioned near the top of said vertical wall, whereby the reservoir is accessible from a space adjacent said top, and wherein the reservoir includes two holes, the first of said holes being a vent hole for communicating ambient air to the reservoir and the second of said holes providing for the insertion of sensing means into the reservoir.--.

3. Claim 3 has been canceled.

4. Claim 22 has been amended to read as follows:

--22. A method for forming a sump comprising the steps of:

attaching a vertical wall to an underground storage tank, the vertical wall including an inner wall and a spaced apart outer wall, the outer wall and the inner wall defining an annular space; and

attaching a top to the vertical wall;

wherein the step of attaching the vertical wall to the underground storage tank comprises the steps of:

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attaching a collar to the underground storage tank to form a watertight connection, the collar being formed from an inner collar wall and an outer collar wall that together define a collar annular space;

attaching a riser to the collar to form a watertight connection, the riser being formed from an inner riser wall and an outer riser wall that together define a riser annular space in fluid communication with the collar annular space; and

providing a monitoring liquid reservoir containing a liquid and being in fluid communication with the annular space via a liquid supply tube and a liquid vent tube; wherein the monitoring liquid reservoir is a separate container from the vertical wall of the riser sump; wherein the reservoir is positioned near the top of said vertical wall;

further comprising the step of providing the reservoir with two holes, the first of said holes being a vent communicating ambient air to the top of said reservoir and the second of said holes being a portal whereby sensing means are inserted into the reservoir.--.

5. Claim 30 has been canceled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tara L. Mayo whose telephone number is 571-272-6992. The examiner can normally be reached on Monday through Friday 8:30 AM to 5:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on 571-272-6998. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

tlm

01 February 2007

  
TARA L MAYO  
PATENT EXAMINER